

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1054 be amended to read as follows:

- 1 Page 1, line 2, after "18." insert "(a)".
  - 2 Page 1, line 3, delete "arising from" and insert "for".
  - 3 Page 1, after line 8, begin a new paragraph and insert:
  - 4 **"(b) A cause of action for an unfair claim settlement practice**
  - 5 **specified in section 4.5 of this chapter may not be commenced until:**
  - 6 **(1) the complaining party files a complaint that specifies the**
  - 7 **unfair claim settlement practice complained of with the**
  - 8 **commissioner under section 5.6 of this chapter;**
  - 9 **(2) not less than ninety (90) days have passed since the**
  - 10 **complaint was filed under subdivision (1);**
  - 11 **(3) any applicable appeals procedures, including the appeals**
  - 12 **procedures required under IC 27-8-17, IC 27-13-10, and**
  - 13 **IC 27-13-10.1 have been exhausted; and**
  - 14 **(4) any additional administrative remedies have been**
  - 15 **exhausted.**
  - 16 **However, the complaining party may commence a cause of action**
  - 17 **before the complaint filed under subdivision (1) is resolved by the**
  - 18 **commissioner if at least ninety (90) days have passed since the**
  - 19 **complaint was filed and the appeals procedures under subdivision**
  - 20 **(3) have been exhausted.**
  - 21 **(c) This section does not prohibit the commencement of any**
  - 22 **other cause of action of an insured."**
- (Reference is to HB 1054 as printed February 22, 2001.)

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Representative Stilwell